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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

JUST FILM, INC., RAINBOW BUSINESS  
SERVICES, D/B/A PRECISION TUNE AUTO  
CARE; BURLINGAME MOTORS, INC., DIETZ  
TOWING, INC., THE ROSE DRESS, INC.,  
VOLKER VON GLASENAPP; JERRY SU;  
VERENA BAUMGARTNER; TERRY JORDAN;  
AND LEWIS BAE on behalf of themselves, the  
general public and those similarly situated

Plaintiffs,

v.

MERCHANT SERVICES, INC.; NATIONAL  
PAYMENT PROCESSING; UNIVERSAL  
MERCHANT SERVICES LLC; JASON MOORE;  
JWM HOLDINGS, LLC; LA QUINTA HOLDINGS  
LLC; NATHAN JURCZYK, ROBERT PARISI,  
ERIC MADURA, FIONA WALSHE, ALICYN  
ROY; MBF LEASING LLC; NORTHERN  
FUNDING LLC; NORTHERN LEASING  
SYSTEMS, INC.; GOLDEN EAGLE LEASING  
LLC; LEASE SOURCE, LLC; LEASE FINANCE  
GROUP, LLC; JAY COHEN; LEONARD MEZEI;  
RICH HAHN; SARA KRIEGER; LINA KRAVIC;  
BRIAN FITZGERALD; SAM BUONO; MBF

Case No. 4:10-cv-01993-CW

**STIPULATION TO  
CONSOLIDATE PLAINTIFFS'  
OPPOSITIONS TO DEFENDANTS  
MOTIONS TO DISMISS  
AND  
STIPULATION TO SUSPEND  
RULE 7-4(b)**

**[Declaration of Kristen Simplicio  
filed concurrently herewith]**

MERCHANT CAPITAL, LLC; RBL CAPITAL GROUP, LLC; WILLIAM HEALY; JOSEPH I. SUSSMAN; JOSEPH I. SUSSMAN, P.C. TRANSFIRST HOLDINGS, INC.; TRANSFIRST, LLC, TRANSFIRST THIRD PARTY SALES, LLC, COLUMBUS BANK AND TRUST CO.; FIFTH THIRD BANK; AND MERRICK BANK;

Defendants.

**WHEREAS**, on June 25, 2010, Plaintiffs filed a First Amended Class Action Complaint in this action (the “First Amended Complaint”);

**WHEREAS**, defendants Merchant Services, Inc.; National Payment Processing; Universal Merchant Services LLC; Jason Moore; JWM Holdings, LLC; La Quinta Holdings LLC; Nathan Jurczyk, Robert Parisi, Eric Madura, and Alycin Roy filed a 17-page Motion to Dismiss on July 26, 2010;

**WHEREAS**, defendants MBF Leasing LLC; Northern Funding LLC; Northern Leasing Systems, Inc.; Golden Eagle Leasing LLC; Lease Finance Group LLC; Jay Cohen; Leonard Mezei; Rich Hahn; Sara Krieger; Lina Kravic; Sam Buono; RBL Capital Group, LLC filed a 26-page Motion to Dismiss on July 26, 2010 that was joined by Lease Source-LSI LLC on August 16, 2010;

**WHEREAS**, defendant Brian Fitzgerald filed a 13-page Motion to Dismiss on July 26, 2010;

**WHEREAS**, defendants MBF Merchant Capital, LLC and William Healy filed a 14-page Motion to Dismiss on July 26, 2010;

**WHEREAS**, defendant Fifth Third Bank filed a 9-page Motion to Dismiss on July 26, 2010;

**WHEREAS**, defendant Merrick Bank joined in all Defendants motions to dismiss on July 26, 2010;

**WHEREAS**, defendant Fiona Walshe joined in all Defendants motions to dismiss on July 26, 2010;

**WHEREAS**, defendants TransFirst Holdings, Inc., TransFirst, LLC, TransFirst Third

1 Party Sales, LLC, and Columbus Bank and Trust filed a 23-page Motion to Dismiss on August 9,  
2 2010;

3 **WHEREAS**, defendants Joseph I. Sussman, P.C. and Joseph I. Sussman filed a 13-page  
4 Motion to Dismiss on August 9, 2010;

5 **WHEREAS**, the parties have agreed, subject to approval of the Court, to allow Plaintiffs  
6 to submit one consolidated opposition to the motions to dismiss;

7 **WHEREAS**, Plaintiffs require a total of fifty (50) pages to respond to the seven separate  
8 motions to dismiss filed by Defendants;

9 **NOW, THEREFORE, IT IS HEREBY STIPULATED**, by and between the  
10 undersigned parties, through their respective counsel of record, that Plaintiffs will file one  
11 consolidated opposition to the seven motions to dismiss not to exceed fifty (50) pages.  
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1 DATED: August 24, 2010

Respectfully submitted,

2 **GUTRIDE SAFIER LLP**

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10 Kristen Simplicio

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13 *Tune Auto Care, Volker von Glasenapp and*  
14 *Jerry Su, Burlingame Motors, Inc., Dietz*  
15 *Towing, Inc., The Rose Dress, Inc., Verena*  
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Capital, LLC and William Healy*

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**PROPOSED ORDER**

Pursuant to **GOOD CAUSE APPEARING THEREFOR**, it is therefore ORDERED that Plaintiffs shall file one consolidated opposition to the seven motions to dismiss not to exceed fifty (50) pages. **Defendants shall file a consolidated reply, not to exceed 20 pages.**

**IT IS SO ORDERED.**

DATED: 8/26/2010

  
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THE HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

I, Kristen Simplicio, am the ECF user whose ID and password are being used to file this document. In compliance with section X(B) of General Order 45, I hereby attest that Seema Tendolkar, Stephen Colangelo, Cary Sullivan, Robert Webner, Jen Nigro, Seth Weiner, John Heaphy, and Stephen Newman concurred in this filing.

/s/ Kristen Simplicio